WOMAN TO WHOM HE DENIED IT ASKS HIM ABOUT IT.

As Judge He Held That Miss Reberson's Photograph Was Public Property and she Wants to Know Why He Objects to Cameras at His Home and Bath.

ROCHESTER, N. Y., July 26 .- Miss Abigail Roberson of this city has written a letter to Judge Parker protesting against his complaint against photographers invading the privacy of his grounds and bath with their cameras. Miss Roberson last year sued a milling company for using her pioture as an advertisement for their flour and her prayer for relief was denied by the Court of Appeals, Judge Parker writing the prevailing opinion. Among other things Miss Roberson says:

"I read yesterday afternoon that Mrs. Parker was obliged to leave home to avoid the annoyance of ubiquitous photographers, notwithstanding the warning given by you and reported in the same despatches last Saturday morning, in which it was announced that that would be the last day of promiscuous photographing of yourself and family, and wherein you are quoted as saying: I reserve the right to put my hands in my pockets and assume comfortable attitudes without being everlastingly afraid that I shall be snapped by some fellow with a camera.'

"I take this opportunity to remind you that you have not such right as that which you assert. I have very high authority for my statement, being nothing less than a decision of the Court of Appeals of this State wherein you wrote the prevailing opinion. The action was one in which I was the plaintiff, and is reported in 171 New York, at page 538.

"You may recollect that the facts in that case were undisputed and that it was admitted that the defendants, without any knowledge or consent and knowing that they had no right or authority so to do, had secured my photograph, and, having caused it to be enlarged and lithographed in life size, had circulated about 25,000 copies thereof as an advertisement of the commodities in which one of the defendants dealt; that the likenesses were posted conspicuously in stores, warehouses, saloons and other public places and had been recognized by my friends and others; that my good name had been attacked. As a consequence, I desired an injunction against the defendants, restraining the further use

*The question arose upon demurrer, and the Special Term held that the complaint entitled me to relief. The Appellate Division of the Fourth Department unanimously affirmed that decision, and upon the appeal to the Court of Appeals this latter court was divided, three of the Judges deciding with you that the facts admitted furnished no ground for relief, and three dissenting. "You referred to my cause of action as a 'so-called' right of privacy and ad-

mitted that such publicity, 'which some find agreeable,' is to plaintiff very distasteful and that I suffered mental distress when others would have appreciated the compliment to their beauty,' and in an opinion sixteen pages long you arrived at the conclusion that I had no rights that could be protested by your tribunal.

"To be perfectly fair to you, I ought to say that you expressly excepted from the effect of your decision any publication under similar circumstances which was in its nature libellous. It necessarily follows, therefore, when you now say that you reserve the 'right' not to be photographed with your hands in your pockets or in other comfortable attitudes, either that you are asserting a right for yourself and your family, which you are unwilling to accord to litigants before your court, or else that there is something in the attitude suggested of such a nature that a reproduction of it with photographic exactness would be necessarily libelious.

"It is not apparent how your likeness in the attitude suggested could be libellous, at least, not as long as you kept your hands in your own pockets.

"I am forced to the conclusion that this incident well illustrates the truth of the old whose ox is gored. I sympathize with Mrs. Parker in her annoyance, but I know of no reason why you or your family have any rights of the nature suggested which do not equally belong to me. Indeed, as between us. I submit that I was much more entitled to protection than you.

"If you will re-read your opinion, you will discover that you laid down very clearly therein that you have no cause for complaint against these gentlemen armed with cameras. Naturally, the camera fiends feel licensed to annoy yourself and family in the manner which you yourself suggested, at least within the borders of this State."

VATICAN WON'T YIELD TO FRANCE Pope Declines to Withdraw His Recall of French Bishops.

Special Cable Despatch to THE SUN.
ROME, July 26.—The Patria says that an extraordinary meeting of the Congregation of Ecclesiastical Affairs this morning considered Foreign Minister Delcassé's note to the Vatican in reference to the Pope's summons to the French Bishops.

It is proposed to reply that the Pope cannot, without failing in his duty, accede to the demand of the French Government on a question of ecclesiastical discipline.

The note referred to was approved by the French Council of Ministers last Wednesday. It called upon the Vatican to withdraw the letters by which it had ordered Bishops Geay of Laval and Nordez of Dijon to resign. In case of refusal, the note declared, all relations between France and the Vatican would be broken off.

This communication was sent to the Vatican and to the Papal Nunciature in Paris.

BAD YEAR FOR OCEAN LINES. Anchor Company Announces That It is One of the Worst on Record.

Special Cable Despatch to THE SUN LONDON, July 26 .- At a meeting of the Anchor Steamship Company to-day the chairman informed the shareholders that the year had been one of the worst on record, and that he could see no signs of improvement. Referring to the Atlantic rate war, he declared that the recent conferences had proved abortive because al the interests involved had not been repre-

The conferences will be resumed at Hamburg about the middle of September.

BRITISH CRUISER DAMAGED. The Leviathan Hits a Rock in Kungchin Bay, China.

Special Cable Despatch to THE SUN.
WEI-HAI-WEI, July 26.—The British cruiser Leviathan struck a rock in Kungchin Bay to-day. The extent of the damage is not

The Leviathan is one of Britain's new ships. She has a tonnage of 14,100, is 529 feet long, with 71 feet beam and has a speed of 23 knots. She is armed with two 9.2 guns, sixteen 6-inch guns, fourteen 12-pound quickfirers, three 3-pound quickfirers, nine machine guns and two torpedo tubes: Her complement is 900 men.

LIVE TOPICS ABOUT TOWN.

"It is no easy job here," said an assistant custodian of Grant's mausoleum who was showing a fellow member of the G. A. R. through the interior. "Something's the matter with this place. It is damp all the time, and sweats and drips the year round-like this." He pointed out the trickling streams of water.

"Try as the authorities will, they can't dry it out. It has killed three of us already; my superior is home now with a had case

ory it out. It has killed three of us already; my superior is home now with a bad case of rheumatism, and I'm beginning to have the chills. It's a big honor to watch the body of a hero like Grant, yet I don't think any of us fellows who drop at the post will ever be thanked as heroes, dead or alive."

People living in The Bronx do not like Manhattan folks to get ahead of them in any way. As a result of this borough jealousy a two story triangular building just erected at the junction of Third and Brook avenues has been dubbed the "Baby

Flatiron."

The plot on which it stands is very small, but the building is between the Brook avenue trolley line and the wall of a cut through which runs a branch of the New York Central, and faces the Third avenue elevated road. The owner expects to get his money back by letting advertising space on the roof and on the sides. Flatiron.

A white-bearded old man with a rheumatic leg hobbled to the Manhattan end of the Bridge in the rush hour the other

of the Bridge in the rush hour the other night and surveyed the crowd in dismay.

"I can never get a seat," he groaned to himself, as he spled the men hopping actively on the moving cars before they stopped. Then he put his hand on the shoulder of a boy about ten, who was making for one of the cars, and said:

"My boy, I'm too old for that game. Just you get me a seat, and I'll make it worth your trouble."

"My car fare'll come in handy," remarked the boy. He made a dive into the crowd, got aboard the old man's car, plumped himself into a seat, and gave it up to the old man when the latter was helped aboard by the conductor. The old man put a dime in the boy's hand and smiled at him.

"Johnny, you're all right," said he. And the boy smiled back at him and said, blithely, "So are you."

A smooth faced, jolly looking motorman, running a car along Columbus avenue with a crowd aboard the other day, suddenly grew pale, turned off the electric current put on the brakes hard and brought the car to a sudden stop which jarred every passenger on it. Then he jumped off the car and peered underneath it.

"I did it," he said, wiping his brow and breathing hard.

"What did you do?" asked the conductor, running up.

running up.

"That little dog," said the motorman,
"I ran over him. He was a purty little fellow. It's too bad."

The motorman wiped his brow again and
the expression on his face showed he thought

the expression on his face showed he thought he had participated in a tragedy.

"Is that him?" asked the conductor, pointing to a yellow dog trotting away up the block. The dog looked back just once as if to scorn the crowd and trotted on. The motorman wiped his brow again, climbed aboard, the passengers did the same and the car shot ahead.

"There goes a victim of the continuous performance," said a lounger to his friend. don't mean that he is addicted to attending such performances, but they ruined him just the same."
"How's that?"

"How's that?"

"That man used to keep the saloon adjoining a popular theatre with an entrance from the lobby into the saloon. Between the acts of plays he did a rushing business and was on the road to prosperity. Then the theatre was changed into a continuous performance house. There were no intervals between the acts, and business fellowers, so that in a few months the place. away so that in a few months the place

"I have had a nodding acquaintance with certain wax figures for some years," said a New Yorker. "That is, I nod to them said a New Yorker. "That is, I nod to them because I have known them for so long. Of course I do not refer to those very plump wax ladies—or half ladies—who are very, very décolleté in the shop windows, although I sometimes feel like bowing to the demure one in the modest nightie. I am more familiar with the men. There is the rigid gentleman arrayed in very loud pajamas. He has stood in one attitude holding a candle in his hand for many years. He is is always going, to bed, but never gets there. Then there is the gentleman in close fitting gray woollen underolothing. He has pale side whiskers, his complexion is the pinkest gray woollen underclothing. He has paie side whiskers, his complexion is the pinkest of pink and his eyes are of a light, watery blue. The expression of his face is the height of inanity, but he is true to his particular brand of underclothing and I shall miss him sadly from his store window when he dies."

ENGEL WAS FAR AWAY.

Larry Summerfield Almost Had to Go to a Cell on Wife's Complaint.

Magistrate Pool added \$500 bail yesterday efternoon to the troubles of Larry Summerfield, the wiretapper who never taps any wire. When Summerfield and his wife appeared in the West Side court in the afternoon, Magistrate Pool recognized them. afternoon, magistrate Pool recognized them.

It was he who had ordered Summerfield to pay his wife \$10 a week, of which, she complains, she has only received a few dollars.

"I'll have to have the papers in this case before I go on with the examination. I'll have to have the papers and described to the papers are described to the papers and described to the papers are described to the papers

before I go on with the examination. I'll set the case for to-morrow afternoon and make the bail \$500," said the Court.

Then there was a wrangle. Martin Engel was not on hand. Almost every lawyer in the court room offered to go on Larry's bail, but no lawyer could be accepted.

"Tell him I'm under \$16,000 bail to appear here to-morrow," said Summerfield.

"That doesn't protect me," replied the Court.

Court.
Finally Steve Noonan, who said he owned

several houses, consented to become Larry's bail.

GROUT OFF FOR EUROPE After Announcing That the Staten Island

Ferry Row Will Be Settled. Before sailing for Europe on the Kronprinz Wilhelm yesterday, Comptroller Grout

made the announcement that the controversy over the price of the Staten Island ferry terminals and land at St. George would probably be compromised this week. The Comptroller will return on the Atlantic Transport liner Minnetonka and will take but twelve days on the other side. He goes for the ocean trip principally.

Winthrop Reassures Porto Ricans

Special Cable Despatch to THE SUN.
SAN JUAN, July 26.—The reception of Gov. Winthrop at Ponce is a success. He reviewed a parade to-day and addressed it, visited the Chamber of Commerce, and received several delegations. In a speech he reasserted his impartial attitude and renewed his assurance that honest elections would be held. The people are impressed and are regaining confidence in the insular administration.

Boston Girl to Wed British Officer.

Special Cable Despatch to THE SUN. LONDON, July 26 .- The betrothal is an nounced of Lieut. Coote of his Majesty's navy, son of Bir Algernon Charles Coote, Premier Baron of Ireland, and Eugenia daughter of Judge Hutchinson of Bos Sir Algernon's heir is his eldest son, Ralph who is a Lieutenant in the Seventeenth

Victim of Panie at Tiger-Bull Fight.

Special Cable Despatch to TES SUN. SAN SEBASTIAN, July 26 .- The Counter Ligaturri, who was seriously wounded by the fire of the soldiers in the panic that occurred in a fight between a bull and a tiger in the arena here on Sunday, when the tiger escaped from the cage and the soldiers, in firing upon the beast, shot a number of the spectators, has died of her injuries

ROWS IN THE MAJESTIC FLATS

OWNER UNDER \$500 BAIL ON A TENANT'S WIFE'S CHARGE.

rs. Mitchell Says Daiker Used Violent Language-War Over Elevator, Chijdren, Callers, Dogs and Cold Storage -Waite's Tale of the Ever Ready Club

George Daiker, owner of the Majestic partments, at 356 West 145th street, possibly the largest in Harlem, who recently had a personal encounter with John C Waite, a lawyer, one of his tenants, was summoned to the Harlem police court yesterday morning to answer a complaint of Mrs. Dora Mitchell, wife of Mr. W. P. Mitchell, a Broad street bond broker, another of his tenants.

Mrs. Mitchell told the Magistrate that Dalker had used very violent language toward her and refused to allow her children to ride in the elevator. Oftentimes, Mrs. Mitchell said, she herself was pre-vented from using the elevator and was compelled to walk up the stairs to the third

"Can we use that elevator as long as we have a lease and pay our rent?" Mrs. Mitchell asked the Magistrate.
"You certainly can," replied the Court, and since he has refused you that right I will entertain a charge of disorderly con-

duct against him." Mrs. Mitchell preferred the charge and will appear aganist Daiker when he is again arraigned this morning. Daiker was held in \$500 bail, which he furnished after being

held an hour.

Daiker tried to defend himself by abusing Mrs. Mitchell to the Court, but found little sympathy. He said he would "release the lease" if she would move.

What defence Mr. Daiker will make this morning when he comes to court, he re-

What defence Mr. Daiker will make this morning when he comes to court, he refused to state last night, but many of the tenants said they would be on hand and help Mrs. Mitchell unfold the story of the Majestic apartments.

"While we are in court in the morning," said Mr. Mitchell, "movers will be taking our effects from the building. We have taken Daiker at his word and will move. I know of many other families that will move as soon as their leases expire and others who will get out at once lease or no lease. Our children are not allowed to ride on the elevator. That same rule applies to dogs. This man is unbearable, and if any one remonstrates he goes behind his desk, gets out a policeman's club and declares himself monarch. I have had enough of it "Edgar S. Nash, who, with his family and brother-in-law, Harry S. Beck of the Beok Engraving Company, occupies an apartment on the second floor, also says he will move to-morrow, breaking his lease. Mr. Nash is the manager of the Ben B. Hampton agency.

"We cannot stand this any longer" said

Nash is the manager of the Ben B. Hampton agency.

"We cannot stand this any longer," said Mr. Nash. "This man hates the sight of children. If they go on the stoop he drives them off, and then if they want to go up on the elevator he takes them off and makes them walk up. We were denied cold storage for a month. Our friends were shut out of the house. Not long ago a poor butcher boy had some meat to deliver and he innocently came in at the front entrance. Daiker ranfonhis policeman's club and beat the boy in terrible fashion, so badly indeed that the boy had to go to the hospital. My lease expires Sept. 1, but I am going at once. He can sue me if he wants."

Michael Oppenheimer, who lives on the third floor, said he would move out this walt.

" am tired of it all," said Oppenheimer.
"I am not at home much and do not see all that goes on, but I hear about it."
Mr. Beck said he knew three other families who were going to move. He said they were the Samuels, Manleys and the Goodbrods.
Mr. Waite and his family occupied a Majestic apartment for some months.

they were the Samuels, Manleys and the Goodbrods.

Mr. Waite and his family occupied a Majestic apartment for some months.

"One night Mr. Joseph Wheeler, a city surveyor, came to see me," said Mr. Waite last night. "He was refused admission by Dalker. I learned of it from my daughter Luella, while she was telling me also of how Dalker had picked up bodily James Bratt, 11 years old, the son of Dr. H. Z. Bratt, who was with my children, and put him out of the building. I went down to see what the trouble was. Daiker and I had some words. I characterized him as a 'violent, irritable and quite irresponsible man' and this angered him, so he went behind his deek and got his trusty policeman's club and gave chase. I ran into the elevator, where he followed me, and then, of course, I had to defend myself. I knocked him down and sat on him. Next day he got a warrant for me and I was honorably dismissed by Magistrate Baker in the Harlem police court. Daiker is a two-sided man. When we went to live in the Majestic we thought him lovely. He even hired me as counsel, and he has never paid any fees. I contemplate bringing a suit for \$5,000 for false arrest and assault. Also I intend to collect my fees."

The Majestic apartment house is at the southeast corner of St. Nicholas avenue and 145th street. It is seven stories high, and contains sixty-four apartments, of six, seven and eight rooms. It was built by Daiker about eight years ago. He owns several other said last night that he was abused by tenants. He said that some of them had been with him for twelve years, and others since the Majestic was built.

"That ought to show that I am not such a bad man," he declared. "In reference to Mrs. Mitchell, I can only say that I tried to collect a small telephone bill from her and she would not pay it. That caused our argument. I know of no tenants who are going to move except the Mitchells and Oppenheimers. I cannot reveal to the public's business. I don't care to talk about he club in my deek. I do not feel called upon to say any

IDLE PLEA FOR MERCY

Of the Thief Who Robbed A. P. Ordway & Co. and Cast Suspicion on Innocent Girl. J. A. Ritter, the bookkeeper for A. P. Ordway & Co., manufacturing chemists in

West Thirty-seventh street, who was caught in Columbus, Neb., after he had stolen about \$18,000 from the company and run away, pleaded guilty of grand larceny yesterday and Judge Cowing sentenced him to four years in Sing Sing. Ritter wrote a letter to Assistant District

Attorney Perkins asking him to appeal to the Judge for clemency, but Mr. Perkins the Judge for clemency, but Mr. Perkins didn't make any appeal. Ritter said in his letter that he was a weak brother and was sorry for what he had done. His only daughter was living in Nebraska, he said, and he wanted to see her as soon as possible. To offset Ritter's plea for mercy was another letter from Fred C. Haas, the manage for A. P. Ordway & Co. Mr. Haas said that Ritter not only swindled the firm, but robbed a girl cashier of moncy she was responsible for, and in addition had burned a number of books, so that for a time the girl was suspected of stealing.

STARTED FOR CONEY ISLAND. Mr. Sniffen and Miss Thompson Went to

a Church Instead and Were Married. GREENWICH, Conn., July 26.-William Sniffen of Port Chester and Miss Ethel Christina Thompson, daughter of Mr. and Mrs. Peter Thompson of Byramshore, started for Coney Island on Sunday. The young woman's parents are in England and during their absence Miss Thompson and Mr. Sniffen formed an acquaintance. They

stopped to call on friends, Mr. and Mrs. John Britton, on Thirty-third street, in New York, near Third avenue.

They did not go to Coney Island, but instead went to a church at 108th street and Madison avenue and were married. The bridegroom was unable to keep the secret and now congratulations are being received. A cable has been sent to the bride's parents

CONTRIBUTIORS

Rudyard Kipling Thomas Nelson Page Edith Wharton Josephine Daskam Robert W. Chambers Guy Wetmore Carryl Robert Grant Nelson Lloyd Henry Van Dyke

John Finley E. S. Martin Philip L. Allen Katharine Holland Brown Caroline Duer Martha Gilbert Dickinson Theodore Roberts

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There are Southerners still, it seems fancy, have adapted themselves to new to the future and away from the past. Mr. "George Edmonds", however, is unregenerate. He has devoted much time and that was thrown at Abraham Lincoln by Northerners and wallows with delight in the dirt. By ingenuously suppressing everything great that Lincoln did or said, and repeating all the gossip, the calumnies and the abuse he can gather, he evolves in "Facts and Falsehoods Concerning the War on the South, 1861-1865" a pamphlet that for vindictive hatred and blind rage might have been written

forty years ago. of Lincoln's greatness arose from his patient derstand that last message, "with malice

ful book would have been unwritten. It may give him satisfaction to prove once more that the New England States believed in State sovereignty and even in the right to secede; most histories will be found to agree with him in a way. But why worry now as to whether it was war on" the South or the suppression of rebellion? The war is over; it settled for good a great many matters that Mr. Edmonds regrets and apparently would like to fight over again.

Lincoln. It is not the New South but a bit of the Old South that all would like to forget that speaks through Mr. Edmonds.

Various Books.

by the late President McKinley in 1896 before his first nomination as a contribution to a complete edition of the works of Henry Clay is published by G. P. Putnam's Sons as "The Tariff" by William McKinley. The essay is historical in character and is better described by the sub-title "The Tariff in the Days of Henry Clay and Since, the greater part of the volume dealing with the period in which the Republican party has been in seem to be of the opinion that the tariff is an issue in the campaign at hand and that

daughter being rivals in love is treated pretty crudely in "Rosabel" by Esther Miller

A. B. Frost

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Many pages in color and a beautiful cover by the well-known Russian artist I. IUANOWSKI

Slinging Mud at Abraham Lincoln. who never learn and never forget, though most men and women in the South, we circumstances and have turned their faces ndustry to collecting all the mud and slime

What is the use of it all? There is nothing new in the stories. No small part holding to the task imposed on him in spite of the discontent, the intrigues and ven the treachery of the men about him. The civil war is happily a generation and more behind us, and as it recedes Abraham Lincoln's figure rises ever greater from it. The South sees this no less than the North, and if Mr. Edmonds could untoward none, with charity for all, with firmness in the right," his foolish and shame-

Suppressio veri is also a form of falsehood and we can't imagine what cause can be served in the South by abuse of Abraham

M. Jules Huret is a bright Parisian news paper man. He was in this country some time ago and his articles to the Figure on what he saw were printed at the time in translation in a New York newspaper. The originals are now gathered in a volume of the Bibliothèque Charpentier (Eugène Fasquelle, Paris) under the title "En Amérique, De New-York à la Nouvelle-Orléans." M Huret has the great merit of all Parisian journalists; he never forgets his boulevard audience, which wants to be amused and not instructed too much. His superficial views and happy mingling of fact with Gallio imagination should prove entertaining to American resders. As essay which, we are told, was written

power. The publishers, in their preface the essay will be useful as a campaign docu-

The disagreeable theme of mother and (J. B. Lippincott Company.) The girl, however, is unusual and gives promise of novel developments, until the time comes to un-revel the story. There the author loses her grasp so that the ending is perfunctory and mane. The other characters in the story are clumsy puppets of the most wern-out models.

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